

**COMPREHENSIVE ENFORCEMENT AND  
IMMIGRATION REFORM ACT OF 2005**

*Enforcement  
Section-by-Section*

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**PART A. BORDER ENFORCEMENT AND VISA SECURITY**

**Sec. 101 Necessary Assets for Controlling the Borders of the United States**

Authorizes 10,000 new Border Patrol agents and 1,000 new immigration inspectors for the ports of entry over the next 5 years.

**Sec. 102 Technological Assets for Controlling the Borders of the United States**

Authorizes at least \$500 million each Fiscal Year between 2006 and 2010 to achieve operational control of the borders of the United States through the use of unmanned aerial vehicles, camera poles, vehicle barriers, sensors, the construction of all-weather roads, and other technologies.

**Sec. 103 Infrastructure for Controlling the Borders of the United States**

Authorizes at least \$500 million each Fiscal Year between 2006 and 2010 to acquire necessary facilities to support the Department of Homeland Security's (DHS) mission of achieving operational control of the borders of the United States.

**Sec. 104 Expansion of Expedited Removal Between the Ports of Entry**

Directs the Secretary of DHS to expand expedited removal to the entirety of the Southern land border as soon as operationally possible. Authorizes at least \$10 million each Fiscal Year between 2006 and 2010 to achieve this objective.

**Sec. 105 Document Fraud Detection**

Requires all immigration inspectors to receive training in identifying and detecting fraudulent travel documents. Requires that immigration inspectors have access to the Forensic Document Laboratory. Authorizes necessary appropriations.

**Sec. 106 Improved Document Integrity**

Requires any document issued by DHS that serves as evidence of immigration status to be machine-readable, tamper-resistant, and incorporate a biometric identifier, to allow DHS to electronically verify the identity and status of the alien.

**Sec. 107      Cancellation of Visas**

Provides that all visas in possession of a nonimmigrant alien are void if the alien remains in the U.S. beyond the period of stay authorized by the Secretary of DHS.

**Sec. 108      Biometric Entry-Exit System**

Authorizes DHS to collect biometric data from any alien seeking admission to, transit through, or parole into the United States, and authorizes the Secretary of DHS to collect biometric data from any alien departing the United States. Makes failure to comply with the biometric requirements a ground of inadmissibility.

**Sec. 109      Consular Anti-Fraud Fee**

Imposes a \$50.00 anti-fraud fee in connection with the issuance of a nonimmigrant visa (with certain exclusions). Establishes a separate account of the Treasury into which the funds collected under this provision shall be deposited, and such sums shall be used to fully implement section 428 of the Homeland Security Act.

**Sec. 110      Release of Aliens from Non-Contiguous Territory**

Increases the minimum bond for any alien from a non-contiguous country who is apprehended at or between a land border port of entry. Directs DHS to implement additional procedures before releasing an alien who is from a country designated by the Secretary of DHS as a special interest country and who is apprehended in between ports of entry. Requires the Secretary of DHS to report to Congress on the number of aliens from non-contiguous countries who are apprehended in between land border ports of entry.

**Sec. 111      Reducing Illegal Immigration and Alien Smuggling on American Indian Tribal Lands**

Authorizes the Secretary of DHS to distribute such sums as necessary to assist American Indian Tribes contiguous to the border that are adversely affected by illegal immigration. Provides incentives to American Indian Tribes to work with DHS to ensure that necessary access to tribal lands is available to enhance the enforcement of immigration laws.

**Sec. 112      Border Patrol Checkpoints**

Authorizes the Border Patrol to maintain temporary or permanent checkpoints on any roadway in the United States.

## **PART B. INTERIOR ENFORCEMENT**

### **Sec. 201 Necessary Detention Space and Removal Capacity**

Authorizes such sums as necessary for DHS to add 10,000 beds to its detention capacity.

### **Sec. 202 Detention of Dangerous Aliens**

Authorizes the detention of aliens who are subject to a final order of removal but who have obtained a stay of removal pending judicial review. Clarifies that DHS has authority to detain certain aliens beyond the expiration of the removal period, even if their removal is not expected in the foreseeable future.

### **Sec. 203 Mandatory Surrender of Alien Absconders**

Requires an alien subject to a final order of removal to report to DHS, and provides that an alien who fails to surrender will be denied discretionary relief from removal by DHS.

### **Sec. 204 Assistant Attorney General for Immigration Enforcement**

Establishes a new Assistant Attorney General for Immigration Enforcement in the Department of Justice to coordinate and prioritize immigration litigation and enforcement in the federal courts, including removal/deportation, employer sanctions and alien smuggling/human trafficking.

### **Sec. 205 Institutional Removal Program**

Directs the Department of Justice (DOJ) and DHS to expand the Institutional Removal Program to all fifty states.

### **Sec. 206 Increased Criminal Penalties for Alien Smuggling and Document Fraud**

Enhances the penalties for offenses related to smuggling, transporting, or harboring unlawful aliens, and enhances the penalties for offenses related to document fraud.

### **Sec. 207 Increased Penalties for Gang Violence and Drug Trafficking**

Enhances the criminal penalties for crimes of violence or drug trafficking offenses committed by aliens who are unlawfully present in the United States.

**Sec. 208      Penalty for Countries that do not Accept Return of Nationals**

This section amends section 243(d) of the INA to grant additional authority to the Secretary of DHS to deny admission to aliens of a country that has refused to accept the return of nationals or citizens of that country.

**Sec. 209      Judicial Review of Visa Revocation**

Eliminates judicial review of a decision to revoke a visa, irrespective of whether the revocation provides the basis for removal.

**Sec. 210      Bond Restrictions and Alien Supervision**

Increases the minimum delivery bond amount for aliens charged with certain grounds of removal or aliens determined by the Secretary of DHS to present a flight risk. Directs DHS to expand to all fifty states pilot programs to explore alternative methods of supervision.

**Sec. 211      Additional DHS Investigators**

Mandates that DHS increase the number of investigators who conduct investigations into alien smuggling and immigration status violations by not less than 200 in each of the next five fiscal years, and authorizes necessary appropriations.

**Sec. 212      Additional Attorneys and Immigration Judges**

Requires DHS to increase the number of attorneys who represent DHS in immigration matters by not less than 100 in each of the next five fiscal years, and authorizes necessary funds. Requires DOJ to increase the number of staff attorneys in the Office of Immigration Litigation by not less than 50 in each of the next five fiscal years, and authorizes necessary funds. Requires DOJ to increase the number of Assistant U.S. Attorneys who litigate immigration cases in Federal courts by not less than 50 in each of the next five fiscal years.

Requires DOJ to increase the number of immigration judges by not less than 50 in each of the next five fiscal years, and authorizes necessary funds.

**Sec. 213      Access to Criminal History Information**

Requires DHS to enter into the National Crime Information Center database information regarding all alien absconders in the United States.

Provides that immigration adjudications shall be considered a law enforcement purpose.

**Sec. 214      Completion of Background and Security Checks**

Clarifies the legal authority of DHS to withhold adjudication of any application or request for a benefit, or to withhold evidence of status or employment/travel authorization, until the Secretary has determined that all appropriate background checks have been completed.

**Sec. 215      Denial of Benefits to Terrorists and Criminals**

Authorizes DHS to deny any benefit to certain aliens described in the national security-related provisions on inadmissibility or deportability.

**Sec. 216      Anti-Fraud Fee for Immigration Benefits**

Imposes a \$10.00 surcharge on all U.S. Citizenship and Immigration Services petitions and applications, in addition to the adjudication fees otherwise established by law.

**Sec. 217      Reinstatement of Removal**

Authorizes DHS immigration officers to issue reinstatement orders without a hearing before an immigration judge.

**Sec. 218      Electronic Alien Files**

Authorizes \$5 million each of the next five fiscal years to DHS to automate the storage of alien records (i.e. "A" files) in an electronically-available format that is interoperable with DOJ alien record-keeping systems, and accessible by other Federal components for the purposes of administering the immigration laws of the United States.

**PART C. STATE AND LOCAL LAW ENFORCEMENT**

**Sec. 301      State and Local Law Enforcement**

Clarifies and reinforces State and Local authority to enforce Federal immigration laws, and requires DHS to establish training for state and local law enforcement agencies to enforce immigration law. Requires state and local law enforcement

agencies to collect and report to DHS information regarding immigration violators. Authorizes additional funds for State and Local enforcement.

Requires the Secretary of DHS to report to Congress on efforts DHS has taken to enter into written agreements with States, or political subdivisions of States, enabling such entities to enforce Federal immigration law.

**Sec. 302      State Criminal Alien Assistance Program (SCAAP) and Reimbursement for Costs Associated with the Processing of Criminal Illegal Immigrants through State and Criminal Justice Systems**

Authorizes \$4.45 billion over five years to carry out the State Criminal Alien Assistance Program to reimburse states and counties for the costs associated with incarceration of criminal illegal immigrants.

Authorizes \$2 billion over five years to reimburse states and localities for the costs associated with, among other things, indigent defense, criminal prosecution, autopsies, translators/interpreters, and court costs.

Mandates that DHS report to Congress on the participation of States in the Institutional Removal Program. Transfers the SCAAP program from DOJ to DHS.

**PART D. WORKER IDENTIFICATION, DOCUMENT INTEGRITY**

**Sec. 401      Employment Verification System**

Requires the Commissioner of Social Security and the Secretary of DHS to establish and maintain a secure, interoperable Employment Eligibility System that allows employers to verify electronically the employment eligibility of workers.

**Sec. 402      Reduction in Fraud in Employment Eligibility Process**

Requires development and use of machine-readable, tamper-resistant identification documents that incorporate biometrics.

**Sec. 403      Enhanced Penalties for Unauthorized Employment of Aliens**

Increases the penalties for hiring or continuing to employ an alien who is not authorized to work in the United States.

**Sec. 404      Increase in Worksite Enforcement and Fraud Detection Agents**

Requires DHS to hire 2,000 new personnel dedicated to worksite enforcement of for each year for the next five fiscal years. Authorizes necessary funds.

Requires DHS to hire 1,000 new personnel dedicated to fraud detection in immigration benefits adjudication for each year for the next five fiscal years. Authorizes necessary funds.